IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

MONDAY THE TWENTY NINTH DAY OF MARCH, TWO THOUSAND AND FOUR

: PRESENT :

THE HONOURABLE DR JUSTICE : **MOTILAL B. NAIK**

AND

THE HONOURABLE MR. JUSTICE : **DALAVA SUBRAHMANYAM**

WRIT PETITION No. 5425 of 2004

Between:

1.M/s. Special Blast Limited, Swagruha Apartments, Beach Road, Visakhapatnam, Rep.by its Executive Director, Mr. B.K. Gupta.
2. M/s. Tech Valley Engineers Private Limited, rep. by its Authorised Representative, Mr. Prahlad Sawadia.

..Petitioners

AND

1. The Commercial Tax Officer, Intelligence Wing, Office of the Deputy Commissioner (Cta), Visakhapatnam.
2. Konathala Seetha Ram S/o.Trinadha Mahalaxmi Naidu, Sampatch Puram Village, Kasimkota Mandal, Visakhapatnam District.(Caveator)
3. S.R.B. Enterprises, Sampatch puram Village, Kasimkota Mandal, Visakhapatnam District.(Caveator)

..Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or Order or direction declaring that the action of the 1st Respondent in detaining stocks of 1440.5 MTs of Ammonium Nitrate belonging of 1st Petitioner and clients of 2nd petitioner stocked at No. C-1-C8, C/o. Sri Rama Ceramics, Behind Raj Kamal Poultries, Autonagar, Industrial Estate, Kotturu Village, Anakapalle Mandal, based on the false statement of 2nd Respondent as illegal and arbitrary and consequently direct him to release the said stock to the Petitioners forthwith for onward transport to the places of business/customers.

The Petition coming on for orders as to admission upon perusing the petition and affidavit filed herein and upon hearing the arguments of Mr. P. Srinivasa Reddy, Advocate for the Petitioners and of the Government Pleader for Commercial Taxes on behalf of Respondent No.1 and of Mr. E.V. Bhagiratha Rao, Advocate for Respondent Nos. 2 & 3

The Court made the following **ORDER:**

During the course of the hearing of the writ petition it is stated by the counsel for the petitioner that the dispute with regard to ownership of 440.5 MTS of Ammonium Nitrate has to be decided by the first respondent, the Commercial Tax Officer, Visakhapatnam. The learned counsel stated in that view of the matter pending filing counter affidavit on behalf of the first respondent, who should act upon the representation said to have been filed on 19-2-2004 and call the petitioner as well as the second respondent and decide the dispute by passing appropriate orders.

Accepting the submissions made on behalf of the petitioners, the first

respondent is directed to decide the ownership to the extent as indicated above, if necessary by summoning both the parties I,.e. the petitioners as well as the second respondent, and take a decisions preferably within a period one week.

Post the Writ Petition for admission after 10 days.

Sd/- S. VARALAKSHMI
ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT
REGISTRAR

Contd…

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To
1. The Commercial Tax Officer, Intelligence Wing, Office of the
Deputy Commissioner (Cta), Visakhapatnam.
2. Konathala Seetha Ram S/o.Trinadha Mahalaxmi Naidu,
Sampatch Puram Village, Kasimkota Mandal, Visakhapatnam District.
3. S.R.B. Enterprises, Sampatch puram Village, Kasimkota Mandal,
Visakhapatnam District.
4. Two CCs to the Govt. Pleader for Commercial Taxes, High Court of A.P.,
Hyd(OUT)
5. Two spare copies.

TKK

HIGH COURT

MBN.J &
DSM.J

DT.29-3-2004.

ORDER

W.P.No. 5425 of 2004

DIRECTION

DRAFTED BY TKK
DT.1-4-2004.

HIGH COURT

MBN.J &

DSM.J

DT.29-3-2004.

Note : Post the Writ Petition for admission After 10 days.

ORDER

W.P.No. 5425 of 2004

DIRECTION